

NEAL & HARWELL, PLC

LAW OFFICES
150 FOURTH AVENUE, NORTH
SUITE 2000
NASHVILLE, TENNESSEE 37219-2498

TELEPHONE
(615) 244-1713

FACSIMILE
(615) 726-0573

June 28, 2005

JAMES F. NEAL
AUBREY B. HARWELL JR.
JON D. ROSS
JAMES F. SANDERS
THOMAS H. DUNDON
RONALD G. HARRIS
ALBERT F. MOORE
PHILIP N. ELBERT
JAMES G. THOMAS
WILLIAM T. RAMSEY
JAMES R. KELLEY
MARC T. MCNAMEE
GEORGE H. CATE, III
PHILIP D. IRWIN
A. SCOTT ROSS
GERALD D. NEENAN

2005 JUN 28

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AUBREY B. HARWELL, III
W. DAVID BRIDGERS
KENDRA E. SAMSON
MARK P. CHALOS
DAVID G. THOMPSON
CYNTHIA S. PARSON
KELTIE L. HAYS
CHRISTOPHER D. BOOTH
RUSSELL G. ADKINS
ELIZABETH S. TIPPING

OF COUNSEL
JOHN D. CLARKE

Chairman Pat Miller
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: Post-Status Conference Brief of The Rural Coalition of
Small LECs and Cooperatives

Dear Chairman Miller:

Enclosed for filing is an original and fourteen copies of the Rural Independent Coalition's Post-Status Conference Brief of The Rural Coalition of Small LECs and Cooperatives.

Thank you for your assistance

Sincerely,



William T. Ramsey

WTR:mmm
Enclosure

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

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June 28, 2005

The Rural Coalition of Small Local Exchange Carriers and Cooperatives (hereafter referred to as the "Coalition" or the "Independents") respectfully submits this Post-Status Conference Brief. At the Status Conference held in this proceeding on June 14, 2005, Chairman Miller requested that the parties submit briefs regarding the applicability of Section 51.711 of the Rules and Regulations of Federal Communications Commission ("FCC").¹ Chairman Miller also requested the parties to submit statements on whether the Authority could order a uniform reciprocal rate for all Coalition members.

This matter arose in the context of the general purpose of the Status Conference which was "scheduled for the purpose of discussing the process the Authority should undertake to determine a permanent rate for reciprocal compensation."² The Coalition respectfully offers the following observations and analysis regarding Section 51.711 of the FCC Rules.

Section 51.711 is entitled "Symmetrical reciprocal compensation." The rule generally requires that "(r)ates for transport and termination of telecommunications traffic shall be symmetrical."³ When interconnection is established between an incumbent local exchange carrier (LEC) and a carrier that is not an incumbent LEC, the general rule provides that "symmetrical rates are rates that a carrier other than an incumbent LEC assesses upon an incumbent LEC for transport and termination of telecommunications traffic equal to those that the incumbent LEC assesses upon the other carrier for the same services."⁴ In other words, the general rule provides that the carrier that is not an incumbent LEC charges the same termination rate to the incumbent LEC as the incumbent LEC charges, thereby establishing symmetrical rates.

¹ 47 CFR Sec. 51.711

² Corrected Notice of Status Conference in Docket 03-00585 issued May 27, 2005.

³ 47 CFR Sec. 51.711(a)

⁴ *Id.* at 51.711(a)(1).

Similarly, with respect to the assessment of tandem switching charges, the general FCC rules provides “ Where the switch of a carrier other than an incumbent LEC serves a geographic area comparable to the area served by the incumbent LEC's tandem switch, the appropriate rate for the carrier other than an incumbent LEC is the incumbent LEC's tandem interconnection rate.”⁵ Again, the result of the general rule is symmetrical rates.

The general FCC rule establishing symmetrical rates also sets forth two provisions for exceptions to the general rule. The first exception provides an opportunity for the carrier other than the incumbent LEC to seek an asymmetrical rate by proving “to the state commission on the basis of a cost study using the forward-looking economic cost based pricing methodology described in §§51.505 and 51.511, that the forward-looking costs for a network efficiently configured and operated by the carrier . . . exceed the costs incurred by the incumbent LEC . . . and, consequently, that such that a higher rate is justified.”⁶ In this proceeding, no CMRS provider has suggested that higher asymmetrical rates to terminate traffic on CMRS networks are appropriate.

The general FCC Rule establishing symmetrical reciprocal compensation rates has one other provision that applies to specific classes of wireless carriers, paging service providers. This second exception provides that a state regulatory authority commission will establish the rates that paging carriers assess upon other carriers for the transport and termination of telecommunications traffic based on the forward-looking costs that the paging carriers incur in providing such services.”⁷

⁵ *Id* at 51 711(a)(3)

⁶ *Id* at 51 711(b)

⁷ *Id* at 51 711(c)

The Coalition is not aware of any state or federal proceeding where the provisions of Section 51.711(c) have been applied. Nor, is the Coalition aware of any proceeding to establish terms and conditions of interconnection where the issue of symmetrical rates was addressed. It is not surprising that it may not have been necessary for any other state regulatory authority to consider the reasonableness of symmetrical rates between incumbent rural local exchange carriers and CMRS providers. As the Authority is aware from prior discussions and pleadings in this proceeding, the Coalition has noted that in several other States in this region, the CMRS providers and rural incumbent local exchange carriers have reached mutually agreed upon terms and conditions with respect to their interconnection rights and obligations.⁸

Finally, as stated by counsel for the Coalition at the July 14, 2005 Status Conference, the Coalition agrees that, absent an agreement among the parties, separate reciprocal rates must be established for each individual Coalition member.

⁸ The Coalition members remain ready and willing to negotiate mutually agreeable terms and conditions in Tennessee. Unfortunately, the Coalition submits that the CMRS providers do not have the same willingness to reach mutually agreeable rate terms in Tennessee similar to those reached in other States (within a range of 1.7 to 2.5 cents per minute) because of a sense of strength the CMRS providers apparently perceive based on the Authority's January 12, 2005 deliberations in this proceeding. The Coalition respectfully looks forward to the issuance of the Authority's decisions in both this proceeding and in Docket 00-000523, and the associated lawful opportunity to address further the matters discussed by the Authority at its last deliberations in these proceedings.

Respectfully submitted,

The Tennessee Rural Independent Coalition

By William T Ramsey

William T. Ramsey
Neal & Harwell, PLC
2000 First Union Tower
150 Fourth Avenue North
Nashville, Tennessee 37219-2498

Stephen G. Kraskin
Kraskin, Moorman & Cosson LLC
2120 L St. N W Suite 520
Washington, D.C. 20037

June 28, 2005

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 28, 2005, a true and correct copy of the foregoing was served on the parties of record via electronic mail, unless otherwise indicated:

Russ Mitten, Esq.
Citizens Communications
3 High Ridge Park
Stamford, Connecticut 06905
Rmitten@czn.com

Henry Walker, Esq.
Boult, Cummings, et al.
PO Box 198062
Nashville, TN 37219-8062
hwalker@bccb.com

James Wright, Esq.
Sprint
14111 Capitol Blvd.
NCWKFR0313
Wake Forest, North Carolina 27587
James.wright@mail.sprint.com

J. Gray Sasser, Esq.
Miller & Martin
1200 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219
gsasser@millermartin.com

David Eppsteiner, Esq.
AT&T
1230 Peachtree St., N.E. Ste. 4W26
Atlanta, GA 30309
eppsteiner@att.com

Laura Gallagher, Esq.
Drinker Biddle & Reath LLP
1500 K Street, NW
Washington, DC 20005
laura.Gallagher@dbr.com

Donald L. Scholes
Branstetter, Kilgore, et al.
227 Second Ave. N.
Nashville, TN 37219
dscholes@branstetterlaw.com

Timothy Phillips, Esq.
Office of the Tennessee Attorney General
PO Box 20207
Nashville, TN 37202
Timothy.Phillips@state.tn.us

Guy M. Hicks, Esq.
Joelle Phillips, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300
Joelle.Phillips@bellsouth.com

Carolyn.Hanesworth@BELLSOUTH.com

Elaine Critides, Esq.
John T. Scott, Esq.
Charon Phillips, Esq.
Verizon Wireless
1300 I Street N.W.
Suite 400 West
Washington, D.C. 20005
elaine.critides@verizonwireless.com

VIA U.S. MAIL:
Paul Walters, Jr., Esq.
15 East 1st Street
Edmond, OK 73034

Suzanne Toller, Esq.
Davis Wright Temaine
One Embarcadero Center #600
San Francisco, Calif. 94111-3611
suzannetoller@dwtt.com

VIA U.S. MAIL:

Beth K. Fujimoto, Esq.
AT&T Wireless Services, Inc
7277 164th Ave., N.E.
Redmond, WA 90852

Monica M. Barone, Esq.
Sprint
6450 Sprint Parkway
Overland Park, KS 66251
mbaron02@sprintspectrum.com

Mr. Tom Sams
Cleartalk
1600 Ute Ave.
Grand Junction, CO 81501
toms@cleartalk.net

Dan Menser, Esq.
Marin Fettman, Esq.
c/o T Mobile USA, Inc.
12920 SE 38th St.
Bellevue, WA 98006
dan.menser@t-mobile.com

Mark J. Ashby
Cingular Wireless
5565 Glenridge Connector
Suite 1700
Atlanta, GA 30342
Mark.ashby@cingular.com

Stephen G. Kraskin, Esq.
Thomas J. Moorman
Kraskin, Moorman & Cosson LLC
2120 L Street NW, Suite 520
Washington, DC 20037
skraskin@klctele.com
Tmoorman@klctele.com

Mark Felton
SPRINT
6450 Sprint Parkway
Mail Stop KSOPHN0212 - 2A472
Overland Park, KS 66251
mark.g.felton@mail.sprint.com

Joe Chiarelli
Sprint
6450 Sprint Parkway, 2nd Fl.
Mail Stop KSOPHN0212 2A568
Overland Park, KS 66251
jchiar01@sprintspectrum.com

Bill Brown
Senior Interconnection Manager
Cingular Wireless
5565 Glenridge Connector, Suite 1534D
Atlanta, GA 30342
bill.brown@cingular.com

Greg Tedesco
T-Mobile USA, Inc.
2380 Bisso Lane, Suite 256
Concord, CA 94520-4821
greg.tedesco@t-mobile.com

Gary Sanchez, Associate Director-
State Regulatory Relations
Cingular Wireless
5565 Glenridge Connector Ste. 1710
Atlanta, GA 30342
gary.sanchez@cingular.com

Marc Sterling
Verizon Wireless
One Verizon Place
Alpharetta, GA 30004
Marc.Sterling@VerizonWireless.com

VIA HAND DELIVERY:

Melvin J. Malone
Miller & Martin PLLC
1200 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219
mmalone@millermartin.com

William J. Ramsey